



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 27, 2003

Date of Meeting: January 27, 2003

The Mayor and Council of the city of Tucson met in regular session, at the Tucson Convention Center, Maricopa/Mohave Rooms, 260 South Church Avenue, Tucson, Arizona, at 7:39 p.m., on Monday, January 27, 2003, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup, and upon roll call those present and absent were:

Present:

Carol W. West
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt
Robert E. Walkup
Kathleen S. Detrick

Council Member Ward 2
Council Member Ward 3
Vice Mayor Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor
City Clerk

Absent/Excused:

José J. Ibarra

Council Member Ward 1

Staff Members Present:

James Keene
Mike Letcher

City Manager
Deputy City Manager

Michael House

City Attorney

Suzanne Mesich
Dana DeLong
Rebecca Partin

City Clerk's Office
Recording Secretary
Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor David Swift, First Assembly of God Church, after which the pledge of allegiance was led by the students from Wheeler Elementary School.

Mayor Walkup announced that the mayor and council lost a very dear friend on Sunday, January 26, 2003. He wanted to take a moment to remember Dan Felix who fought a gallant fight against cancer over the past three years. He was a real fighter, a person who cared about everyone, this city, his department, and children. Mr. Felix was a great guy.

James Keene, city manager, added that Dan Felix came to work for the city in 1999 as the city's parks and recreation director and had served in that capacity for Pima County for ten years. When Dan died, he was 52 years old and had served the public for the past 31 years in the community. Just as with his battle with his illness, Dan would not shy away from a fight for an issue that needed to be taken on whether it was trying to get the city's golf program to operate in the black or to extend programs to disadvantaged youth and the disabled. The city now has the swimming pool underway at Reid Park for the disabled. Just this past year, Mr. Felix helped secure more than \$800,000 in grants from the R.A. Bloch Cancer Foundation to build and maintain a cancer survivor's plaza to be built at Reid Park; construction would begin later this year. There were many things that Dan did in his career, but it was really being a coworker to all of the staff, working with the mayor and council as a guy, a human being.

He touched all that knew him. Staff is really going to miss him. Mr. Keen indicated that he would have more information later in the week about the funeral mass and other events.

Presentations

A. Conference for Industry and Education Collaboration Week

Mayor Walkup proclaimed January 27 through 31, 2003, as the Conference for Industry and Education Collaboration Week and presented the proclamation to Dr. Jack Selter and Isadore Davis.

Isadore Davis, on behalf of Raytheon management, thanked the mayor and council and the city for being a major sponsor of the conference. He has been involved in two major conferences, the Accreditation Board for Engineering and Technology, and the Technological Education Initiative Cooperative Workshop. They have both been held in Tucson and about 85 people from around the country have attended for the last three days at the Pima Air and Space Museum for Emerging Industry Days. Those individuals came to Tucson for the great weather and he knew some would be staying for the conference.

Mr. Davis introduced Dr. Jack Selter, the 2003 general chair and the director of the National Transportation Center at the University of Central Florida, and also Dr. David Quick, the chair of the American Society of Engineering and Education Council. Dr. Quick is also a manager for R & D, Rolls Royce Aircraft engines, and the manager of a firm called Custom Requirements. It was his goal to try to get those 2,000 plus engineers to schedule a conference in Tucson within the next few years. He asked that Dr. Selter be allowed to say a few words.

Dr. Jack Selter thanked Mr. Davis and recognized the kids from Wheeler School as the city planners, industrial engineers, and engineers of the future.

Dr. Selter pointed out that the Conference for Industry and Education Collaboration was very proud to be in Tucson. It is a very competitive engineering conference that goes around this great country looking at cities, talking to cities about hosting them. They are rather conservative in some of the things they do, but believes they bring an impact to the communities they visit.

In the evaluation of the ten cities they interviewed for 2003, they had the opportunity to speak with Mayor Walkup at a breakfast and were convinced they had to come to Tucson. Their hosts were many and varied, and it was important for them to be involved in the conference that has been called, "Industry, Education, Collaboration." Other individuals involved with them included Isadore Davis; Barry Curtkeef (ph) from Raytheon, Boeing, HP, Microsoft; and Dr. Quick from Rolls Royce, the engine division for competitive engineering, locally.

Dr. Selter continued that they have had people from Northrop Grumman, formerly TRW, and Texas Instruments as well. There had been a great reception from the Tucson Convention and Visitor's Bureau and he wanted to thank them for that. He thanked everyone for their support.

In addition, Dr. Selter wanted to tell the mayor and council that this year, because of some very hard working people, they were going to create a model in engineering education and would be creating that model in Tucson. It would be known as the Tucson Model and would be taken throughout the country and probably to other countries to talk about how they, in the industry and education, must partner to continue to have the best economic engine in the world. Dr. Selter thanked the city of Tucson for their support and he looked forward to seeing Mayor Walkup in a couple of days.

Mayor Walkup said it was a great joy for the mayor and council members. He remembered in the sixth grade he did a diagram and as a result of that decided to become an engineer. What Dr. Selter and his group had done was outstanding. They had stimulated the thinking of everybody who passed by their display. That was done with a lot of creativity and all the students were to be complimented.

B. Rio Nuevo Project Display

Mayor Walkup recognized a group of fifth graders from Wheeler Elementary School along with their teacher, Mrs. Letson. He asked that Council Member Ronstadt assist him.

Council Member Ronstadt said that as a council member he had been privileged to experience a lot of great things. The last great thing was to be in the White House with the President when he recognized the U of A Softball team for their championship in 2002.

However, nothing that he had experienced in the last five years as a council member topped the invitation to Wheeler on December 3 to witness the unveiling of a semester's worth of work of about 100 fifth graders after they built a model of downtown.

Not only did they build the downtown scale model; they created a vision for the Rio Nuevo parcel west of the Santa Cruz River. To see the children of Wheeler, a school on the far eastside of town so excited and so involved in the history and culture of Tucson in the downtown area, was just unbelievable. Council Member West had staff there; there were representatives from the Sonoran Institute; parents and teachers, and he promised and pledged the 100 fifth graders that he would bring the model downtown to show it off in front of the mayor and council.

Council Member Ronstadt noted that their teacher, Marjorie Letson, had actually spearheaded this project at Wheeler together with the other fifth grade teachers. Educators are incredibly valuable in the community and it's society. The product is high thinking kids doing some great work for the city. So without further delay, Council Member Ronstadt asked the students to make their presentation.

A student began by thanking the mayor and council for the wonderful invitation to show the display. Their downtown revitalization project was a wonderful, big project that every fifth grader at Wheeler Elementary was a part of. All the fifth grade students at Wheeler went downtown to get ideas for the Rio Nuevo. Even though Rio Nuevo has not been built yet, they created ideas of what Rio Nuevo could look like in the future. An incredible building project like this took months of planning, building, and lots of research."

Ryan Foreman, a fifth grade student at Wheeler Elementary said that in class they studied downtown and Rio Nuevo with map activities, timelines of Tucson's history and lots of research on the Internet. They especially wanted to thank urban planner, John Jones, for coming to Wheeler and answering questions about Rio Nuevo. In their model, they learned more about making predictions on building lengths, heights, and widths and keeping the scale to the right proportion. They also learned that Tucson's past can be incorporated into its future. They also took a field trip downtown to learn more about downtown's past and present to get ideas for its future by looking at present buildings.

Martin Mendoza spoke about the field trip the fifth grade students from Wheeler Elementary took downtown in order to design Rio Nuevo. Some of the historic casas they saw were the Corbett House, the Steven's House and Casa Cordova. They hoped to keep those houses in the future to remember the history of the city of Tucson. They also wanted to thank Vice Mayor Scott and Mayor Bob Walkup for helping them and giving them information about how government works.

Amanda Daley explained that the Rio Nuevo Project encouraged business, entertainment, and education. The students have designed a theme park complete with live animals and a children's area.

Mr. Mendoza continued that education is very important for the students' future. They hoped to have a new planetarium that would let children do hands-on science and with the name "schuck son" which is the Indian name for Tucson, the planetarium would hold artifacts of Tucson's past, such as pottery. They would also like an aquarium that would show southwestern fish and a children's museum in the shape of a happy face.

Ms. Daley said they also have new business opportunities including their AOL Skyscraper in an area with plenty of parking. The parking lot of the future would have everything included, such as, a car wash, pharmacy, restaurant and shopping. They would also have a mercado with exciting shops with Arizona products.

Mr. Mendoza continued that there would also be lots of entertainment like the Saguaro Theater for plays. Next to it would be the movie studio where the children would be able to make movies with their own sound stage and back lot. There would also be a dance studio where hip-hop, jazz and ballet would be taught. They also planned to have a beautiful Rio Nuevo hotel and a flowing river.

The students sang a portion of a song they composed.

Brittany Rogers, a fifth grader at Wheeler Elementary School, said the educational experience was a wonder. The students developed an educational project that would help them be good citizens in the future. They learned a great deal of responsibility and creativity. The worth of teamwork and cooperation became obvious to them and the life skills they learned would be with them forever.

Ms. Daley said to commemorate their grand opening of Rio Nuevo, the students would have floats like the ones that are seen in the Macy's Thanksgiving parade, but their parade would be about famous people from Arizona's past, present and future.

Ms. Rogers hoped the mayor and council enjoyed their model of Downtown by Design, and said if they build this city for the young, they would build the city for everyone. This project had given them an exciting view of their future city and how they could play an active role.

Council Member Ronstadt pointed out that since the students spent so much time and had provided a wonderful gift not only to the mayor and council but also to the community, the city had a special gift for them. The students may notice that the mayor and council members wear gold pins with the city's logo on them. The gold pins are for city employees; the students are a little too young to be city employees. Council Member Ronstadt said the city also had colored pins that are given to dignitaries, an individual has to be somebody special to get those pins, so he asked that the students come forward to receive their pins.

Vice Mayor Scott said she was really proud of the people who helped sponsor the children. The parents who were present at the meeting were very proud as well. She said Mrs. Letson had done it again. She wanted to make one small correction to Council Member Ronstadt's comment regarding "people who are from the far away eastside." She said the eastside is very much a part of this city and the eastside felt very much a part of it. She thanked the students for drawing that to everybody's attention by doing their model of their downtown project.

The mayor and council invited the children and the parents up to the dais for a photograph of the occasion.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 44, dated January 27, 2003, would be received into and made a part of the record. He also announced that this was the time scheduled for council members to report on current events and asked if there were any reports.

A. Tax Forms

Council Member West said earlier in January she advertised that they would have tax forms at ward two, 7575 East Speedway. Unfortunately, her office did not have the state forms yet, but they did have the federal forms. People could call her office to be sure that the state forms are available. Her office was expecting them any day; their number is 791-4687.

B. Town Hall

Council Member West announced that on January 28, the ward two office would host a town hall at 7:00 p.m. Dr. McNeil and a person from the fire department, Terry Dee (ph) from the Citizen Core Council were going to talk about the November meeting dealing with bioterrorism that was held in Tucson with Dr. Carmona. Also, her office would be looking at how citizens could become involved in the Citizen Core Council.

C. Landfill Tour

Council Member West said that on February 8, 2003, her office would host another landfill tour and invited the public to call her office if they were interested in going to the landfill and to Recycle America. She also invited her colleagues to attend. Last time, 43 people went on the trip and she hoped that people would sign up soon.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 45, dated January 27, 2003, would be received into and made a part of the record. He announced that this time had been scheduled to allow the city manager to report on current events.

A. Section 8 Housing Applications

James Keene, city manager, said that applications for Section 8 housing slots were open. The city was using a lottery-based system this year which would give every applicant an equal opportunity to compete for a chance at decent, safe, affordable housing through the city's Section 8 housing assistance program. The waiting list reopened on Friday, January 24 and would run through January 31. Interested persons could pick up an application at a number of city of Tucson and Pima County locations throughout the area, including all Tucson/Pima Public Libraries, El Rio Neighborhood Center, El Pueblo Neighborhood Center, Quincy Douglas and a number of other places. For folks who really wanted to get more information about where they specifically could pick up applications for the lottery-based selection for Section 8, they could call 791-4739 or on line at www.CityofTucson.org.

B. "Dig" Downtown

Mr. Keene announced that the city of Tucson got some nice coverage on the "Dig" downtown, and he just wanted to report that the "Dig" was done for now. As the mayor and council were aware, visitors and others were able to step back in time this past weekend at the excavation of a Spanish colonial era Presidio, in the parking lot nestled amongst some tall buildings downtown. In addition to the remnants of the Presidio,

visitors were able to see remains of the prehistoric Pit House, dating back to 500 B.C. The lot would be repaved and the excavation area covered up, although cars would not be allowed to park on top of the dig site. Ultimately, plans were to build a historic park on the site that would be detailed in the final origins report expected out this fall.

C. Blue Barrel

Mr. Keene said lastly, that last Friday, January 24, marked the day that solid waste management delivered the last 90-gallon blue barrel for the city of Tucson under the Tucson Recycles Program. That was one week sooner than city staff had anticipated. Hats off to Mr. Garza and his crew for really picking up the pace. A total of 137, 90-gallon blue barrels and 4,000, 60-gallon barrels had been delivered. Over the next three weeks, about 4,500 more 60- and 30-gallon containers would be delivered to infill areas, such as mobile home parks and townhouses. When completed, a total of 147,000 containers would have been delivered.

With the deployment of the blue barrels, staff has seen an initial increase in program participation and recycling with over 90% of folks participating. In the program diversion rates for residential collection, that has grown from only diverting 9% of the city's waste from the landfill to recycling to 23% to 26% with parts of town going as high as 28%. At the city's current rate, over 40,000 tons per year are projected to be recycled and not landfilled, which saves the city over \$450,000 a year in landfill costs with the revenue the city would get in this increased recycling. It is now projected to be over \$700,000 per year.

5. CALL TO THE AUDIENCE, for persons desiring to speak

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue that was not on the agenda. He said there would also be a call to the audience at the end of the meeting. Speakers would be limited to five-minute presentations.

Mayor Walkup asked if anyone else wished to address the council.

A. Endorsement by Tucson Firefighters' Association

Brian Delfs, representing the Tucson Firefighters' Association, said that occasionally candidates for public office would approach their organization and request that they endorse them in their bid for election or reelection. The International Association of Firefighters does occasionally choose to endorse political candidates. However, they do not endorse republicans, democrats or independents. Rather, they endorse individuals, those candidates who have a strong history of supporting firefighters and firefighters' families on their issues and for the public safety of the communities. In this particular case, the candidate did not approach their organization and ask for an endorsement, but rather they went to Mayor Bob Walkup and said they would be honored to be the very first to endorse him in his reelection campaign for mayor.

Mayor Walkup has supported Tucson's firefighters and paramedics since his first day in office. Morale has improved and fewer trained firefighters are leaving Tucson for jobs in other cities, thanks to Mayor Walkup's commitment to public safety. Their

members also recognize Mayor Walkup's strong leadership since September 11. He made the community feel safe, as a Commander in Chief should. He helped the firefighters raise funds for New York firefighters and their families and was the first in line to give blood. Tucson firefighters appreciated that.

Mayor Walkup's Operation Safe Tucson, has been recognized by the President of the United States as a model Emergency Preparedness. Never before has a Tucson mayor been so active in bringing the community, neighborhoods, and schools together with public safety officers. Now, Tucson firefighters and paramedics are proud to lead the country in homeland security. While there may be other candidates at some point, their organization had no doubts that the Tucson Firefighters' Association believes that Mayor Bob Walkup will support the men and women, their mission, and the great city of Tucson for the next four years. The members and their families are united behind Mayor Bob Walkup.

B. Urban Stocking Program

Charles Hudspeth, indicated he had been collecting signatures on petitions for the urban stocking program and those now numbered over 1,500. As he collected signatures, he listened to the input and pleas of Tucson citizens. Their comments were so compelling that he felt obligated to mention them.

Mr. Hudspeth said many look at urban fishing not only as relaxation, but also as a way to put food on the table. Joggers and dog walkers feel safe because of the number of friendly fishermen that have become the eyes and ears of some parks. The handicapped see fishing as one of the few outdoor city services that is provided for them. Seniors not only have somewhere to go, but they can mentor and share life's values with the young.

There are kids who share time with their single-working moms; young people who have an activity that keeps them occupied and out of trouble; the tourist who says "I can vacation in another city just as easily;" taxpayers who wonder who would pay for the refurbishing of city parks that have fallen into disarray from the lack of use and vandalism; taxpayers asking who will make up the lost revenue of over a million dollars to city businesses by cutting the \$27,000 program; voters who believe budget cuts should be made and could be made through consolidation and the streamlining of jobs no longer needed during a change of city direction that is not based on nepotism, set percentages or the lack of creative thinking by department managers.

Mr. Hudspeth continued that the mayor and council have the faith and hopes of Tucson when elected to office and now their actions and directions would show if that faith is well founded. He submitted some pertinent information regarding the program and a large number of signatures.

C. City Hall Security

Bill Katzel, thanked the mayor for continuing to publicly state that the list which restricted citizens access to city hall, who pose no threat, was inappropriate. He thanked the mayor's Chief of Staff for continuing to engage Mr. Katzel

in attempting to find the solution to the inappropriate list. He thanked Council Member Leal for privately supporting him to find an alternative to the inappropriate list. The mayor instructed the city manager to establish an interim procedure for city hall security by December 19, 2002. That interim procedure was published on December 23, 2002. He had publicly critiqued that interim procedure as a list in another forum. The city manager himself imposed a deadline of January 31, 2003, to publish a final security procedure for city hall security.

Mr. Katzel recommended a well thought out oversight committee that has diversification and integrity to assist the city manager and the mayor and council in formulating the final procedure. So far his recommendations have not been dignified with an adequate response. With four days remaining to meet the deadline for the publishing of the final procedure, he looked forward to a procedure that protected the people who usually work in city hall, but did not violate the constitutional rights of the citizens to legitimately engage their government. To do otherwise, violated the very oath that each elected official and civil servant had taken to uphold the Constitution of the United States and the state of Arizona. Mr. Katzel said the mayor and council could rest assured that that issue would be on the top of his list of issues to be resolved during this election year.

Mayor Walkup asked if anyone else wished to speak. There was no one.

6. CONSENT AGENDA – ITEMS A THROUGH I

Mayor Walkup announced that the reports and recommendations from the city manager on the consent agenda items would be received into and made a part of the record. He asked the city clerk to read the consent agenda items.

A. PUBLIC IMPROVEMENTS: PANTANO ROAD, GOLF LINKS ROAD TO ESCALANTE ROAD DISTRICT PAVING IMPROVEMENT

- (1) Report from City Manager JAN27-03-40 WIV
- (2) Resolution No. 19474. Resolution fixing the time when the Mayor and Council of the City of Tucson will hear and pass upon the assessments and proceedings theretofore had and taken for the improvement known as the "Pantano Road, Golf Links Road to Escalante Road District Paving Improvement," in the City of Tucson, Arizona.

B. PUBLIC IMPROVEMENTS: PANTANO ROAD, SPEEDWAY BOULEVARD TO 22ND STREET DISTRICT LIGHTING IMPROVEMENT

- (1) Report from City Manager JAN27-03-41 WII
- (2) City Engineer submits plans, specifications, assessment diagram and cost estimate.
- (3) Resolution No. 19469. A resolution of the Mayor and Council of the City of Tucson, declaring its intention to improve by the construction of street lighting in certain portions of Pantano Road, approving assessment district diagram, determining that the proposed work or improvement is of more than local or ordinary public benefit, and determining that improvement

bonds be issued by the City of Tucson to represent the costs and expenses thereof, under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes and amendments and supplements thereto, said improvement to be known as the "Pantano Road, Speedway Boulevard to 22nd Street District Lighting Improvement," all being within the City of Tucson, Arizona.

- * C. FINANCE: SALE OF JUNIOR LIEN HIGHWAY USER REVENUE REFUNDING BONDS, SERIES 2003A (CONTINUED FROM MEETING OF JANUARY 13, 2003)
 - (1) Report from City Manager JAN27-03-43 CITY-WIDE
- D. PUBLIC IMPROVEMENTS: AJO WAY, LA CHOLLA BOULEVARD TO SANTA CRUZ RIVER DISTRICT LIGHTING IMPROVEMENT
 - (1) Report from City Manager JAN27-03-49 WI
 - (2) List of Unpaid Assessments
 - (3) Resolution No. 19464. Resolution providing for the issuance of City of Tucson Improvement Bond, Series No. 815, for the "Ajo Way, La Cholla Boulevard to Santa Cruz River District Lighting Improvement."
- E. PUBLIC IMPROVEMENTS: SOUTH 12TH AVENUE, VALENCIA ROAD TO DREXEL ROAD DISTRICT PAVING IMPROVEMENT
 - (1) Report from City Manager JAN27-03-50 WI
 - (2) List of Unpaid Assessments
 - (3) Resolution No. 19465. Resolution providing for the issuance of City of Tucson Improvement Bond, Series No. 811, for the "South 12th Avenue, Valencia Road to Drexel Road District Paving Improvement."
- F. PROFESSIONAL SERVICES AGREEMENT: WITH CAMPANA VIEH SHORE OWENS & LOEB PLC., FOR LEGAL SERVICES
 - (1) Report from City Manager JAN27-03-46 CITY-WIDE
 - (2) Resolution No. 19482 relating to professional services; authorizing and approving the agreement for legal services with Campana Vieh Shore Owens & Loeb PLC; and declaring an emergency.
- G. GRANT AGREEMENT: WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)
 - (1) Report from City Manager JAN27-03-47 CITY-WIDE

*Continued to February 3, 2003 at the request of staff

- (2) Resolution No. 19483 relating to law enforcement; approving and authorizing execution of a Grant Agreement with the Governor's Office of Highway Safety for Selective Traffic Enforcement Program (STEP); and declaring an emergency.

H. GRANT AGREEMENT: WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR ACCIDENT INVESTIGATION AND RECONSTRUCTION TRAINING

- (1) Report from City Manager JAN27-03-48 CITY-WIDE
- (2) Resolution No. 19484 relating to law enforcement; approving and authorizing execution of the Grant Contract with the Governor's Office of Highway Safety for Accident Investigation and Reconstruction Training Grant; and declaring an emergency.

* I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR INCARCERATION OF CITY PRISONERS

- (1) Report from City Manager JAN27-03-55 CITY-WIDE
- (2) Resolution No. 19485 relating to intergovernmental agreements; approving and authorizing execution of an intergovernmental agreement with Pima County for the incarceration of City prisoners in the Pima County Jail; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Ronstadt, seconded by Council Member West, that consent agenda items A through I, with the exception of item C, be passed and adopted and the proper action taken.

Council Member Leal requested that item I be dealt with separately.

The amendment was acceptable to Council Member Ronstadt and Council Member West.

Upon roll call, the results were:

Aye: Council Members West, Dunbar, Leal, and Ronstadt; Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: Council Member Ibarra

The amended motion that consent agenda items A through I, with the exception of items C and I, was declared passed and adopted by a roll call vote of 6 to 0.

*See page 12

6. CONSENT AGENDA – ITEM I

I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR INCARCERATION OF CITY PRISONERS

Resolution No. 19485

Relating to intergovernmental agreements; approving and authorizing execution of an intergovernmental agreement with Pima County for the incarceration of City prisoners in the Pima County Jail; and declaring an emergency.

Council Member Leal declared a potential conflict of interest.

It was moved by Council Member Ronstadt, seconded by Vice Mayor Scott, to pass and adopt resolution no. 19485.

Upon roll call, the results were:

Aye: Council Members West, Dunbar, and Ronstadt; Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: Council Member Ibarra

Resolution no. 19485 was declared passed and adopted by a roll call vote of 5 to 0 (Council Member Leal declared a potential conflict of interest, Council Member Ibarra absent/excused).

7. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that city manager's communication number 42, dated January 27, 2003, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

(b) LIQUOR LICENSE APPLICATIONS

(c) Special Event(s)

- (1) TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T108-02, located in Ward 1
Date of Event: February 28, 2003

Staff Recommendation
Police: In Compliance
DSD: In Compliance

- (2) TUCSON CINEMA FOUNDATION, INC.
3233 E. Speedway
Applicant: Peggy J. Johnson
City #T001-03, located in Ward 6
Date of Event: February 7, 2003

Staff Recommendation
Police: In Compliance
DSD: In Compliance

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| <p>(3) TUCSON JEWISH COMMUNITY CENTER
 3800 E. River Road
 Applicant: Juliana N. Scrivner
 City #T003-03, located in Ward 2
 Date of Event: January 30, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance</p> |
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(d) Extension of Premises

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| (2) KICKSTART GRILL
8987 E. Tanque Verde Road, Ste 335
Applicant: John W. Fahlberg.
City #EP63-02, located in Ward 2
Date of Event: February 2, 2003
March 2, 2003
Type: Temporary | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
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Kathleen S. Detrick, city clerk, reported that under 7(c), there were three requests for special events. All have staff recommendations for approval. Under item 7(d), there were two requests for extension of premises. Both are temporary extensions and carry recommendations for approval. Council Member Ronstadt indicated that he had a conflict of interest regarding item 7(c)(2).

It was moved by Council Member West, seconded by Vice Mayor Scott, and carried by a voice vote of 5 to 0, (Council Member Ronstadt indicated he had a conflict of interest, Council Member Ibarra absent/excused) to forward liquor license application city #T001-03 to the state department of liquor licenses and control with a recommendation for approval.

**8. ZONING: (C9-02-25) DEEP FREEZE DEVELOPMENT – 17TH STREET, I-1 TO C-3;
CITY MANAGER’S REPORT**

located on the eastside of Mill Street, between Seventeenth Street and the railroad tracks. The preliminary development plan proposes 45 loft residences and 7,222 square feet of commercial uses in 61,400 square feet of new and existing rehabilitated buildings. The zoning examiner and city manager recommend approval of C-3 zoning subject to certain conditions. He asked if the applicant or a representative were present, and if so, were they aware of and agreeable to the proposed requirements.

Rob Paulus, 318 South Convent Street, said he was.

Council Member Leal said he met with the developers of the project, as staff and the mayor and council had. He thought everybody was extremely impressed and grateful at the creativeness and the quality of the project that would be developed on this site, which would have significant, ramifying effects in a redevelopment and basically turning a sow's ear into a silk purse. Council Member Leal was sure there was going to be lots of before and after pictures because this was one of those projects that deserved lots of before and after pictures. So, it was with enthusiasm and relief that he was happy to make the motion.

It was moved by Council Member Leal, seconded by Council Member Dunbar, to approve the request for rezoning case number C9-02-25, Deep Freeze Development, L.L.C., as recommended by the zoning examiner.

Mayor Walkup asked if there was any discussion.

Council Member West expressed that she was equally enthused about this project. Her office received a couple of letters from neighbors who were concerned about traffic issues and those kinds of things. It was obvious from their letters that they did not understand what it was that Mr. Paulus' group was intent upon doing, which she fully supported. She thought it might be a good idea somewhere down the line to have a meeting with some of the nearby property owners, some of whom live on Fremont just to let them know what a good thing it was that Mr. Paulus' group was doing. If they needed someone to make lemonade and cookies, she would bring the cookies and Council Member Leal could pour the lemonade, but she thought it would be good idea to do that. She was very enthused as Council Member Leal said and she wished the applicant the best in this project.

Mr. Paulus thanked the mayor and council.

Mayor Walkup offered his personal appreciation to Council Member Leal for his leadership. He thought Mr. Paulus' group had done a marvelous job. He drove by the project today with great amazement.

Council Member Leal agreed the project was a stunner, it had been a dream of his.

Mayor Walkup said that from an engineering standpoint, this he had to see. He offered his congratulations to Mr. Paulus.

The motion to approve the request for rezoning C9-02-25 as recommended by the zoning examiner, carried by a voice vote of 6 to 0 (Council Member Ibarra absent/excused).

9. ZONING: (C9-02-23) LEVIS/SUTTON – CAMP LOWELL DRIVE, SR/RX-1 TO C-1; CITY MANAGER’S REPORT (CONTINUED FROM MEETING OF JANUARY 13, 2003)

Mayor Walkup announced that city manager’s communication number 53, dated January 27, 2003, would be received into and made a part of the record. He also announced that this was a request to rezone property located on the southwest corner of Camp Lowell Drive and Swan Road. The preliminary development plan is for retail space and five buildings. The zoning examiner and city manager recommend approval of C-1 zoning, subject to certain conditions. He asked if the applicant was present.

Council Member West said she spoke with the applicant earlier and an agreement had been made to continue this item for two more weeks, while work was done on a tree issue. It was believed they could get that worked out within that time. The applicant asked that the item be continued until the meeting of February 10.

Kathleen S. Detrick, city clerk, confirmed that the date would be February 10, 2003.

Council Member West requested that zoning case C9-02-23 be returned to the mayor and council on February 10, 2003. That should allow her office sufficient time to complete the work on the item since they need to work with the planning department on the issue as well.

It was moved by Council Member West, seconded by Council Member Ronstadt, and carried by a voice vote of 6 to 0 (Council Member Ibarra absent/excused), to continue zoning case C9-02-23, Levi/Sutton – Camp Lowell Drive, SR/RX-1 to C1, to the meeting of February 10, 2003.

The city clerk pointed out that before the mayor and council proceeded with the next item, she wanted to announce that the February 10 meeting would be held at Tucson City Hall, 255 West Alameda, and it would occur at or after 7:30 p.m., in the mayor and council chambers.

10. PUBLIC HEARING: (C9-85-95) 22ND STREET/PANTANO PARKWAY ANNEXATION DISTRICT, C-3 ZONING, CHANGE OF CONDITIONS, ORDINANCE ADOPTION (CONTINUED FROM MEETING OF JANUARY 13, 2003)

Mayor Walkup announced that city manager’s communication number 54, dated January 27, 2003, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a public hearing on a request for a change of condition for 22nd Street/Pantano Parkway Annexation District. The applicant is Mary Beth Savel of Lewis & Roca on behalf of the property owners.

Mayor Walkup asked if the applicant was present to make a brief presentation

Council Member West thought the applicant was at the meeting and may wish to address the mayor and council. The public hearing had been continued from the January 13, 2003 meeting and there may be people from the neighborhood who wished to address the mayor and council.

Patrick O'Neal, 911 Collision Centers, one of the partners in the firm, explained that they started this project about a year ago, realizing that there was a need in the far eastside of town for this project. At the request of many customers and insurance companies, they located a parcel that was zoned C-3 and went out with the intent to buy the parcel to build an auto body facility.

He said they asked the owner of the property if the use was correct and according to their information, C-3 would allow for that use. They presented a letter from Mr. Tellez, zoning administration, dated in 1998, stating that auto body use was okayed at that location. With that they proceeded to open escrow on the property. At that time, they also called the planning department because they wanted to get their own verification of the use. He was told on the phone that the use was okay at that location and that a letter would be mailed to them notifying them of that use.

Mr. O'Neal said he never received that letter, but prior to closing, he called the planning department again and requested verification of the use and the letter. At that time, he was notified that when the property was annexed into the city, there was a modification in the city codes that did not allow for that use. Consequently, he was given a letter from Mr. Tellez saying that the use was not allowed. So he had one letter saying it was allowed in C-3 and one letter saying it was not allowed in C-3. Consequently, he brought that to the attention of the planning department, had a meeting with them, and they acknowledged the conflict. At that time, they said there were not any rights of litigation against the city, but that they would try to fast track the approval of this use and get his application in front of the board. They did what they said they would do and they did fast track the item.

Mr. O'Neal had a meeting with the planning department and at that time they agreed to some conditional uses on the property, which were outlined in the recommendation to the mayor and council. At that time, they got in touch with the ward two office and Council Member West realized that people would have to be notified of the change. Originally, the planning department said that they could just go ahead and have mayor and council approve the case but at a later date, said there would have to be notification to the public. So they notified the public and got together and spoke with Mr. Powell, who represented the homeowners' association at this location and it was then that he informed the applicant that he was not happy with it and they were going to oppose it.

Mr. O'Neal asked the homeowners' association what their concerns were and was told basically that they were concerned with odors in relation to the environment that would flow out into their residential zone. They had a meeting at the ward office with the homeowners and anybody who had been notified came to that meeting in an attempt to see if they could appease the homeowners regarding their concerns with odor. A representative from one of the equipment manufacturers came to the meeting and informed the people that equipment could be purchased and installed in the facilities that would totally abate any odors through a filtration system.

Mr. O'Neal said they felt with that and the additional expense of probably \$20,000 that would appease the homeowners. However, Mr. Powell, who represented the homeowners, still was not swayed. Their concerns were: "How do we know you're going to change the filters? How do we know you're just not going to turn off the system?" Mr. O'Neal did not know if he had a response other than they are ethical business people and

would try to run their business as they said they would. They offered that they would put in writing that they would put in this extra equipment that was not required in any other facility in Tucson, but they would do that because they knew that the homeowners had concerns.

Mr. O'Neal said there is a tremendous need on the eastside. There are insurance companies pleading to put a facility out there of this type. The community does not like to have to drive all the way to the Auto Mall or all the way out to Broadway where the other facility is. The zoning requirements for an auto body facility are very stringent and it's very hard to find the proper zoning of C-3 and they cannot find any zoning that would allow for it.

Mr. O'Neal pointed out that the newspaper nationally and publicly state the need for jobs, and something to stir the economy. They also state the need for sales tax revenue and property tax revenue. This project represents a \$1.5 million construction project. It represents a \$3 million a year revenue through their organization. It also represents 63% of that revenue as sales taxable and it represents anywhere from ten to twenty jobs in the community all with an average income of \$35,000 to \$50,000. Mr. O'Neal said they felt that their commitment to this community and the way that they run their organization has been ratified by the award that they received on December 15 as a Better Business Bureau Business and Ethics Award winner for small businesses in Pima County. Their firm is involved with the "Shop for a Cop" program; Operation Santa Claus; Lame for a Game; painting the solar car for the University of Arizona; painting the D.A.R.E. vehicle for the police department for Marana; sponsoring handicapped baseball teams for the last five years; and sponsoring the DUI task force operation, "Drive Hammered, Get Nailed" program that they may have seen on highways this year.

Mr. O'Neal continued that their firm is on the board of Big Brothers/Big Sisters; the DUI Task Force Board; Rotary; the Chamber of Commerce; Zoological Society; and they just recently adopted the Snake River Bridge. Mr. O'Neal said he thought they were a business that would well represent this community.

However, unless they could get support from the council and support from Mr. Powell, they were going to have to withdraw their request for the zoning because the last thing they wanted to do is go into a neighborhood where they were not going to be supported and where people were going to be against them. Mr. O'Neal said he appreciated the time that was given to them to address the mayor and council. He simply wanted to ask the homeowners' association if they had second thoughts and if not, then they would withdraw their request for the rezoning.

Mayor Walkup announced that the public hearing was open. He had one card and it was from Richard Powell. He asked Mr. Powell to address the mayor and council.

Kathleen S. Detrick, city clerk, asked for clarification in that it was her understanding that the applicant was withdrawing the request for the zoning and would there be a need for the public hearing.

Council Member West requested that the gentleman be allowed to address the council.

Richard Powell, said his speech would not be along that line. They did not wish to have the facility in their neighborhood. It was not part of the original zoning when the area went from county to city, so they were opposed to the case for a lot of different reasons. He could go into the reasons if the mayor and council wished.

Mayor Walkup announced that the zoning had been announced as a public hearing and requested clarification from the city attorney.

Michael House, city attorney, pointed out that the applicant had requested that the application be withdrawn, so there could be a motion at this point to withdraw the application and then there would be no need for the public hearing.

Council Member West said she was not sure that a motion had to be made.

Mr. House said this was the first time this had come up since he had been the city attorney, but in the past, once an application has been noticed for mayor and council, his advice had been that it was within the jurisdiction of the mayor and council whether they wished to allow the case to be withdrawn or not.

It was moved by Council Member West, seconded by Vice Mayor Scott, to accept the request to withdraw the application.

Mayor Walkup asked if there was any discussion.

Council Member West said she was not the only one who was upset about this. She did not know why the staff could not see that this was in her ward. From now on, when these issues came up and the ward boundaries as close as they are, and she was sure this happened all over town, if an applicant was not certain of their application, then they should at least call the council office because those offices know where the borders of their wards are and this is a particular area that she was very familiar with and she certainly would have shared that information with her colleagues. The neighborhood was also told, she didn't know by whom, that this business was in ward four. She is very proud to have this company in ward two and unless the redistricting changed, this firm is still in her ward on the southern boundary. She was very pleased and proud to have this company as part of her ward.

Mayor Walkup said there was a motion that had been seconded and asked if there was further discussion.

Council Member Ronstadt said for the record, he had not in the last five years as council member witnessed such a display of character and integrity from somebody who was attempting to make a change. There have been mud slinging battles and people trying to figure out different routes to get something done. He had the opportunity to witness when the owners of 911 Collision won the award from the Better Business Bureau for Women's Small Businesses in Tucson. They were recognized for their integrity and he thought it had just been demonstrated here tonight and he wanted the applicant to know how much he respected what they just did.

Mayor Walkup asked if there were any further remarks. There were none.

The motion to withdraw the application was declared carried by a voice vote of 6 to 0 (Council Member Ibarra absent/excused).

Council Member West requested that Mr. Powell be allowed to briefly address the mayor and council.

Mr. Powell said he also appreciated what 911 had done, but rather than go through his four page speech, he thought the whole situation began when someone wrote an inappropriate letter. He is employed as a real estate agent and is responsible for his actions. He believed that to make sure that what was being put in writing was exactly what it was. That has wasted the neighborhood's time and 911's time due to the fact that the person who wrote the letter was wrong. He thought all the problems could have been alleviated and there would not have been any problem to begin with if someone had followed through and done their job properly. He thanked the mayor and council for their time.

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced that city manager's communication number 56, dated January 27, 2003, would be received into and made a part of the record. He asked if there were any appointments.

It was moved by Council Member Dunbar, seconded by Council Member Ronstadt and carried by a voice vote of 6 to 0, to appoint Carl Howard, Phyllis Factor, Jill Reese and to reappoint Nadine Rund to the armory park historic zone advisory board; to reappoint Jack Kelly, Robin Jablonski and Keith Walzak to the landscape advisory committee; to reappoint Deb Turner to the small business commission; and to reappoint Bill Mackey to the Tucson-Pima County historical commission.

Mayor Walkup asked if there were any personal appointments by any member of the council.

Vice Mayor Scott announced a personal appointment of Ken Abrahams to the Houghton area master plan citizens review committee.

Council Member Dunbar announced a personal appointment of Francis J. Boyle to the citizens water advisory committee.

12. CALL TO THE AUDIENCE, for persons desiring to speak

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue. Speakers would be limited to five-minute presentations. He asked that speakers come forward and give their name and address for the record.

A. Military Action Against Iraq

Robert Royce, said as the mayor and council knew there had been quite a large demonstration against military action in Iraq in the city of Tucson on January 18, 2003. Several thousand people chose to attend. While he was very pleased that Congressman Raul Grijalva chose to attend the meeting, and showed the courage and the wisdom to address the group, he was just as disappointed that he did not see any of the members

of the mayor and council there. All politics is local. The President may think he has the authority to go to war and the Congress may have given it to him or maybe they have not, but the fact of the matter was that if people don't support military action against Iraq, it would be unwise and unfounded. Mr. Royce also wanted to mention that Council Member Leal clarified his position on the Monday, January 24, 2003 and he appreciated that.

Mr. Royce thought Tucson needed some participation from city government. He personally did not see a lot of support for this military action in this city and he didn't think that it was a major political risk to stand behind the people who were standing up for equity and for what is right. There were two people whom he would call county demonstrators, and one of them had a shirt on that said, "Save Iraq."

Mr. Royce pointed out that the United States has been saving countries since 1953 under Republican administrations. In 1953, we saved Iraq from democracy and we got 20 years of the Shah and his repression. Following that, the Ayatollah and his repression. Nobody was saved. In 1954, the United States saved Guatemala from democracy. We got 200,000 dead Indians and a horror that is just incomprehensible. To this day, poverty and depression and fear remain in Guatemala. Mr. Royce said he would ask what country has ever been saved under republican administration, be it Chile, Brazil or any of them that is better off than they would have been if they had been left alone.

Finally, Mr. Royce stated that this \$200 billion that was going to be spent on military action would be much better spent by supporting the state governments to allow them to use the money to help the cities that are in financial crisis and health education. Remember that this was the education president. Now he wants to spend \$200 million mugging Iraq so they can have their oil while turning his back on all the students of the country who are in need.

Mr. Royce said that there is a military base in this city and some of the mayor and council members may think it is inappropriate to stand up against the peace movement that is so dependent on that military base. He would say that that is not in spite of the fact that there is a military base here, but because there is a military base here, it would behoove everyone to try to slow this process down and use reason. Mr. Royce asked the mayor and council members to do what he thought was right and to stand with the majority of the people who did not want this war.

13. ADJOURNMENT: 9:54 p.m.

Mayor Walkup announced that the council would stand adjourned until it's next regularly scheduled meeting to be held on Monday, February 3, 2003, at 2:00 p.m., in the Mayor and Council Chambers in City Hall at 255 W. Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the city of Tucson, Arizona, held on the 27th day of January, 2003, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:SM:DD:nd
pr agnst tp:ss/dmp